

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  OFFICE OF CONSUMER ADVOCATE,  Complainant,  vs.  TCPB MARKETING COMPANY, LTD.,  Respondent.	DOCKET NOS. FCU-04-48 FCU-04-51 FCU-04-60
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**ORDER APPROVING SETTLEMENT AGREEMENT AND  
ASSESSING CIVIL PENALTY**

(Issued December 10, 2004)

On September 9, October 15, and November 29, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) petitions for proceedings to consider civil penalties for alleged slamming violations committed by TCPB Marketing Company, Ltd. (TCPB).

In the complaints, Consumer Advocate asserts that TCPB has not provided verification of the consumers' authorization to switch their long distance telephone service in violation of Iowa's law against slamming, Iowa Code § 476.103 (2003). The complaints were identified as Docket Nos. FCU-04-48, FCU-04-51, and FCU-04-60.

On December 7, 2004, the parties to these dockets, Consumer Advocate and TCPB, submitted a joint motion for approval of the settlement agreement contained in the motion. The parties indicate in the agreement that TCPB has credited all charges previously billed to the consumers involved in these dockets. The settlement agreement addresses all of the issues in each of the dockets and includes a monetary penalty against TCPB in the total amount of \$750, which is to be paid within 30 days of this order.

The Board has reviewed the settlement agreement and will approve it. The settlement agreement is reasonable in light of the record, conforms with all applicable statutes and rules, and is in the public interest. 199 IAC 7.2(11).

**IT IS THEREFORE ORDERED:**

1. The "Joint Motion for Approval of Settlement Agreement" filed in these dockets on December 7, 2004, is granted and the "Settlement Agreement" is approved.
2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed December 7, 2004, TCPB Marketing Company, Ltd., is assessed a civil penalty in the amount of \$750. Payment, in the form of a check made payable to the Iowa Utilities Board, should be forwarded to the Executive Secretary of the Iowa Utilities Board at 350 Maple Street, Des Moines, Iowa 50319-0069. Payment is due within 30 days of

the date of this order. The docket numbers listed on this order shall be listed on the check or in the accompanying correspondence.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer  
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 10<sup>th</sup> day of December 2004.